



**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**

**DIVISION OF ENFORCEMENT**

February 20, 2019

**Via Email (bbondi@cahill.com)**

Tesla, Inc.  
c/o Bradley J. Bondi, Esq.  
Cahill Gordon & Reindel LLP

Re: *SEC v. Tesla*, 1:18-cv-8947-AJN; *SEC v. Musk*, 1:18-cv-8865-AJN

Dear Mr. Bondi:

In connection with the final judgments entered in the above-captioned matters, the staff requests that your client, Tesla, Inc. ("Tesla") voluntarily provide the information and documents set forth below by 5:00 pm ET on February 21, 2019:

- Please confirm whether the written communication published by Elon Musk on Twitter at 7:15 pm ET on February 19, 2019, that stated, "Tesla made 0 cars in 2011, but will make around 500k in 2019," ("the 7:15 tweet") was reviewed by Tesla's Securities Counsel, as required by Section IV(c) of the Final Judgment as to Defendant Tesla, Inc. ("the Tesla Judgment"). If so, please describe the process by which the 7:15 tweet was reviewed.
- Please provide all documents concerning or related to the 7:15 tweet, including, but not limited to, any review and/or pre-approval of the 7:15 tweet by Tesla's General Counsel and/or Securities Counsel.
- Please confirm whether the written communication published by Elon Musk on Twitter at 11:41 pm ET on February 19, 2019, that stated, "Meant to say annualized production rate at end of 2019 probably around 500k, ie 10k cars/week. Deliveries for year still estimated to be about 400k," ("the 11:41 tweet") was reviewed by Tesla's Securities Counsel, as required by Section IV(c) of the Tesla Judgment. If so, please describe the process by which the 11:41 tweet was reviewed.
- Please provide all documents concerning or related to the 11:41 tweet,

including, but not limited to, any review and/or pre-approval of the 11:41 tweet by Tesla's General Counsel and/or Securities Counsel.

Please send responsive information and documents to:

U.S. Securities and Exchange Commission  
Attn: Cheryl L. Crumpton  
Supervisory Trial Counsel  
Division of Enforcement  
U.S. Securities and Exchange Commission  
100 F Street, N.E.  
Washington, DC 20549-5985  
[CrumptonC@sec.gov](mailto:CrumptonC@sec.gov)

If you have any questions or would like to discuss this matter, you may call me at 202-551-4459.

Sincerely,

*s/ Cheryl L. Crumpton*